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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

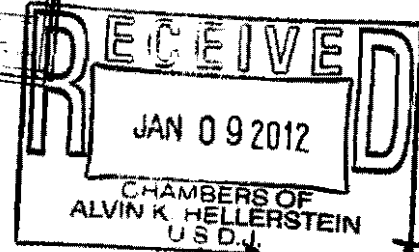
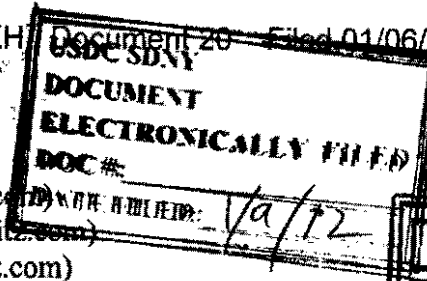
MELISSA TUCKER, BENISHA HUGER and  
 MARIANA PENAFIEL, Individually and on behalf of all  
 others similarly situated,

Plaintiffs,

-against-

EAST SIDE DD LLC, EAST SIDE DD II LLC, EAST  
 SIDE DB II LLC, EAST SIDE DD 101 LLC, EAST SIDE  
 DD 104 LLC, EAST SIDE DD 105 LLC, EAST SIDE DD  
 106 LLC, EAST SIDE DD 107 LLC, EAST SIDE DD 110  
 LLC, EAST SIDE DD 111 LLC, EAST SIDE DD 115  
 LLC, EAST SIDE DD 116 LLC, EAST SIDE DD 119  
 LLC, EAST SIDE DD 120 LLC, EAST SIDE DD 121  
 LLC, WEST SIDE MBV 201 LLC, WEST SIDE MBV  
 202 LLC, MATTHEW BRONFMAN, ALMOG GEVA,  
 PINCHAS SHAPIRO and JOHN DOES #1-10, Jointly and  
 Severally,

Defendants.



*1. Motion denied. The  
 Complaint is legally sufficient  
 regarding the matters complained of  
 in this motion.*

*2. All counsel will  
 meet with me on Jan. 20, 2012,  
 10:30 a.m., on the record, to  
 discuss a*

11 CV 4907 (AKH)

ECF Case

NOTICE OF MOTION

Oral Argument Requested

*1/9/12*

*plan of joint  
 forward with class  
 issues and  
 discovery.*

**PLEASE TAKE NOTICE** that, upon the accompanying memorandum of law, defendants

East Side DD, East Side DD II LLC (which is a nonexistent entity), East Side DB II LLC, East Side  
 DD 101 LLC, East Side DD 104 LLC, East Side DD 105 LLC, East Side DD 106 LLC, East Side  
 DD 107 LLC, East Side DD 110 LLC, East Side DD 111 LLC, East Side DD 115 LLC, East Side  
 DB II 116 LLC (incorrectly named in the Amended Complaint as "East Side DD 116 LLC"), East  
 Side DB II 119 LLC (incorrectly named in the Amended Complaint as "East Side DD 119 LLC"),

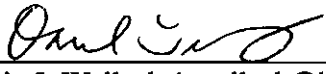
East Side DB II 120 LLC (incorrectly named in the Amended Complaint as “East Side DD 120 LLC”), East Side DD 121 LLC (which is a nonexistent entity), West Side MBV 201 LLC, West Side MBV 202 LLC, Matthew Bronfman, Almog Geva, and Pinchas Shapiro, by and through their undersigned attorneys, will move this Court before the Honorable Alvin K. Hellerstein, United States District Court Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing with prejudice (i) the Third and Fourth Claims for Relief in the Amended Class & Collective Action Complaint (the “Amended Complaint”) in the above-captioned action, (ii) the Amended Complaint as against Defendant Bronfman in its entirety, and (iii) the Fifth Claim for Relief in the Amended Complaint.

**PLEASE TAKE FURTHER NOTICE** that papers in opposition to this motion, if any, shall be served, pursuant to Local Rule 6.1(b), within fourteen (14) days of service of the moving papers for this motion; and

**PLEASE TAKE FURTHER NOTICE** that reply papers, if any, shall be served, pursuant to Local Rule 6.1(b), within seven (7) days of service of the opposition papers.

Dated: New York, New York  
January 6, 2012

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& FRIEDMAN LLP

By:   
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Attorneys for Defendants

Judge wrote:

“1. Motion denied. The complaint is legally sufficient regarding the matters complained of in this motion.

2. All counsel will meet with me on January 20, 2012, 10:30 a.m., on the record, to discuss a plan of going forward with class issues and discovery.

1-9-12

Alvin K. Hellerstein”